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The author has undertaken a very difficult task with an honest and intelligent purpose, and the success with which he has developed his few generalizations shows that he ought to work out the same material on broader lines, with more reference to the unwritten effect of custom.

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Sources of the Constitution of the United States, considered in relation to Colonial and English History. By C. ELLIS STEVENS, LL.D., D.C.L. New York, Macmillan & Co., 1894. — xii, 277 pp.

In a study of administrative continuities, Mr. Stevens has succeeded in grouping, in a useful and interesting form, many facts and deductions in connection with the historic evolution, from the early periods of English civilization to the present day, of racial instincts of self-government, and of all that in those may be involved. Compressing into a single volume an outline of the important growths of centuries, he has attempted a difficult task ; but the suggestion in one work of the wide range of allied topics upon which already much has been written, is in itself a satisfactory achievement. As an introduction to further and extended reading on the many subjects involved, the work may well be of service to students of the origins of modern governments.

The author holds at the outset that a safer theory of political growth than the social contract theory is that which portrays government as a "result of natural social growth." Attention is to be concentrated, then, on "the essential and continuous potency of racial institutions in the life of nations." Since "nationality creates characteristic traits of thought and tendency," and the United States "was founded by men, the great majority of whom were of the English branch of the Teutonic race," Mr. Stevens seeks to show in the constitution of the United States the influence of the theories and practices of Englishmen for centuries precedent to the promulgation of that document. By a due adherence to the well-established sequences of the administrative forms and political theories of the people in question, and by a high degree of care and thoroughness in the discussion, he has been successful in his effort.

At the epoch of the first colonial establishments on this continent by England, four prominent phases of thought on forms of govern-

ment are indicated respectively by the single executive, the bicameral legislature, the distinct judiciary, and by a group of such individual rights as trial by jury, security of person and of property, and the dependence of taxation upon representation. These ideas were rudely reproduced in each of several colonial charters, whether mainly of commerce or of administration, and, when thus transplanted, remained the chief features of colonial government. The conservative revolution which made the colonies states preserved these principles and forms, already somewhat influenced by local tendencies, and they served as a basis of action in the formation of the constitution of 1787. A further basis was found in the transatlantic writings of the time, and in the contemporary English constitution, that inconstant quantity, which, lacking the definiteness of the days of George I, or of Victoria, distinctly reflected the personality and purposes of George III. The American constitution, then, embodied theories as old as *Magna Charta*, developments of Teutonic society for fourteen hundred years, and of colonial experience and practice for parts of two centuries, and certain features of the particular relations of Parliament and royalty between 1760 and 1787. But, the author says,

the American constitution, though reflecting a contemporaneous stage, was not a mere imitation of the constitution of the mother-land, but an historical development from it. Its similarity to its prototype resulted not from any copying process first undertaken in the convention at Philadelphia. Rather was it a reaffirmation of principles already American by hereditary usage or long-established custom.

Devoting two introductory chapters to slight summaries of the chief features of the charters with which the colonies were incorporated, and to the transition of many of those features, in essence at least, from colonial charters to the federal constitution, the author presents a brief but fairly thorough review of the development of the legislative body and its powers, of the executive, of the judiciary, and of the bill of rights. The lines of this review are the lines made familiar by Freeman and Stubbs, and already followed in an elaborate way by Hannis Taylor. Tacitus and "the forests of Germany" constitute respectively the literary and the geographical starting-points of the survey.

Mr. Stevens's volume serves to reflect the interest aroused by the late Douglas Campbell's work, and while the two authors respectively represent the claims of English and of Dutch influence on our

institutions, the conflict is not necessarily great, as Mr. Stevens aims to show a clear English influence only in specific lines, and is limited by the scope of his work from entering into a discussion of other lines of racial influence, in the details of some of which the supporters of the Dutch claims have found much satisfaction. Although written before the publication of *The Puritan in Holland, England and America*, the present work has been supplemented by copious foot-notes which in many cases present an apparently conclusive refutation of Mr. Campbell's arguments. In all discussions upon such uncertain quantities as collective instinct, results are often as unsatisfactory as opinions are positive; and it is well that this new volume has such an aim as to render necessary no great unburdening of personal opinion, but only such expressions and effort as tend to constitute a clearly stated exposition of evolutions in the history of government.

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HARRY A. CUSHING.

Commentaries on the Law of Public Corporations. By CHARLES FISK BEACH, Jr. Indianapolis, Bowen-Merrill Co., 1893.—Two volumes, cclxiii, xxiv, 1692 pp.

A Treatise on the Negligence of Municipal Corporations. By DWIGHT ARVEN JONES. New York, Baker Voorhis & Co., 1892.—lxviii, 588 pp.

The law relative to municipal corporations has been very successfully treated in the work of Judge Dillon, which work has probably attained a greater, and justly a greater, popularity than any other legal treatise which has been placed before the public by an American writer. Any one, then, who attempts to treat of this subject at the present time, has before him a high standard of excellence. Moreover, Judge Dillon has found time, notwithstanding his large practice, to keep his work up to date by the issue of successive new editions. An attempt by any other author to treat the same subject must find justification either in the assumption of a somewhat different point of view, or in an endeavor to compare the law of municipal corporations proper with that of *quasi* municipal corporations, or in an especially full elaboration of some particular branches of the law whose principles cannot yet be regarded as firmly settled.